

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

S&T BANK,

Plaintiffs

v.

THE STARK FIRM, PLLC a/k/a STARK
FIRM PLLC a/k/a THE STARK FIRM
P.L.L.C., LLC (GA) and ERIN
ELIZABETH STARK,

Defendants

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Case No. 2:21-cv-903

NOTICE OF REMOVAL

NOW comes the Defendants, The Stark Firm, PLLC, a/k/a Stark Firm PLLC, a/k/a The Stark Firm P.L.L.C., LLC (GA) and Erin Elizabeth Stark (“Stark”), by and through their counsel, and files this Notice of Removal pursuant to U.S.C. 28 §1441 et seq. Stark submits that the United States District Court for the Western District of Pennsylvania has original diversity jurisdiction over this civil action pursuant to 28 U.S.C. §1332, and this matter may be removed to the District Court in accordance with the procedures provided at 28 U.S.C. §1446. In further support of this Notice of Removal, Defendants state as follows:

1. Plaintiffs initiated this civil action by filing a Complaint in the Court of Common Pleas of Indiana County, Pennsylvania on June 15, 2021. A copy of the Complaint and civil case information sheet are attached hereto as **Exhibit A**.

2. On or about June 22, 2021, Defendants were served the Complaint by certified mail.

3. On or about June 25, 2021 Plaintiff served two Certificates of Merit by certified mail, one to Defendant, The Stark Firm, PLLC, and one to Defendant Erin Elizabeth Stark. True copies are attached hereto as **Exhibit B**.

A. Diversity of Jurisdiction--Citizenship

4. Both at the time Plaintiff initiated this action and this removal, Plaintiff was a financial institution existing under the laws of Pennsylvania with its principal place of business in Pennsylvania. (Ex. A ¶ 1).

5. Erin Elizabeth Stark is an adult individual and lawyer practicing law in Alabama and Georgia. (Ex. A ¶ 5).

6. Both at the time Plaintiff initiated this action and this removal, Ms. Stark was a resident and citizen of Georgia. (Ex. A ¶ 3, 5).

7. Both at the time Plaintiff initiated this action and this removal The Stark Firm, PLLC, a/k/a Stark Firm PLLC was a domestic limited liability company and is registered with the Alabama Department of State. (Ex. A ¶ 2).

8. Both at the time Plaintiff initiated this action and this removal The Stark Firm P.L.L.C., LLC (GA) was a foreign limited liability company and is registered with the Georgia Department of State. (Ex. A ¶ 2).

9. Thus, there is a complete diversity as between Plaintiff and Defendants in this action.

B. Diversity Jurisdiction—Amount in Controversy

10. The present legal malpractice claim arises out of Defendants representation of Plaintiff in various matters.

11. The basis of Plaintiff's claim is a dispute as to the legal fees owed to Defendants.

12. As a result of the dispute, Plaintiffs filed a Complaint in Indiana County, Pennsylvania alleging counts of fraud, negligence and professional malpractice, gross negligence, breach of fiduciary duty, and breach of contract and implied covenant of good faith and fair dealing.

13. Therein, Plaintiff further alleges that it suffered damages and losses for past legal fees paid to Defendants in excess of \$204,253.87. Accordingly, the amount at issue exceeds \$75,000. (Ex. A ¶ 39).

C. Statement of Jurisdiction

14. As Plaintiff is a citizen of Pennsylvania and the Defendants are citizens of Georgia and Alabama, and because the amount in controversy exceeds \$75,000, exclusive of interest and costs, the United States District Court for the Western District of Pennsylvania has original diversity jurisdiction over this matter. See, 28 U.S.C. §1332.

15. Defendants submit that this matter may be removed to the United States District Court for the Western District of Pennsylvania pursuant to 28 U.S.C. §1441, which permits removal of any civil action for which the district courts have original jurisdiction.

WHEREFORE, Defendants, The Stark Firm, PLLC, a/k/a Stark Firm PLLC, a/k/a The Stark Firm P.L.L.C., LLC (GA) and Erin Elizabeth Stark hereby remove this civil action to the United States District court for the Western District of Pennsylvania, pursuant to 28 U.S.C. §1441.

DIBELLA WEINHEIMER

/s/ Jordan N. Winslow

Bethann R. Lloyd, Esquire

Pa. ID #77385

brl@whc-pc.com

Jordan N. Winslow, Esquire

Pa. ID #328896

jwinslow@dgmblaw.com

429 Fourth Avenue, Suite 200

Pittsburgh, PA 15219

412-261-2900

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on July 14th, 2021 the within NOTICE OF REMOVAL was filed electronically, Notice of this filing will be sent to all Parties by operation of the Court's electronic filing system as well as by U.S. Mail, postage pre-paid, to the following:

James F. Grenen, Esquire
Jeremy J. Kobeski, Esquire
GRENEN & BIRSIC, P.C
One Gateway Center
Ninth Floor
Pittsburgh, PA 15222

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